



**DEPARTMENT OF ENERGY**  
**Federal Energy Regulatory Commission**  
**[Project No. 309-097]**

**Brookfield Renewable Power Piney & Deep Creek, LLC; Notice of Application Accepted for Filing and Soliciting Comments, Motions to Intervene, and Protests**

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

- a. Application Type: Non-Capacity Amendment of License and Application for Temporary Variance
- b. Project No: 309-097
- c. Date Filed: May 19, 2022, as supplemented on July 7 and 26, 2022, and August 1, 2022
- d. Applicant: Brookfield Renewable Power Piney & Deep Creek, LLC
- e. Name of Project: Piney Hydroelectric Project
- f. Location: The project is located on the Clarion River in Clarion County, Pennsylvania.
- g. Filed Pursuant to: Federal Power Act, 16 USC 791a - 825r
- h. Applicant Contact: Adam C. Slowik, Compliance Specialist, Brookfield Renewable, 482 Old Holtwood Road, Holtwood, PA 17532, (717) 284-6218, [adam.slowik@brookfieldrenewable.com](mailto:adam.slowik@brookfieldrenewable.com)
- i. FERC Contact: Christopher Chaney, (202) 502-6778, [christopher.chaney@ferc.gov](mailto:christopher.chaney@ferc.gov)
- j. Deadline for filing comments, motions to intervene, protests, and recommendations is 30 days from the issuance date of this notice by the Commission.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, and protests using the Commission's eFiling system at <http://www.ferc.gov/docs-filing/efiling.asp>. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at <http://www.ferc.gov/docs-filing/ecomment.asp>. You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov), (866) 208-3676 (toll free), or (202) 502-8659 (TTY). In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington,

DC 20426. Submissions sent via any other carrier must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, MD 20852. The first page of any filing should include the docket number P-309-097. Comments emailed to Commission staff are not considered part of the Commission record.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person whose name appears on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. Description of Request: The licensee requests a non-capacity amendment of license to complete the following work: (1) installation of new hoists on all fourteen Tainter gates; (2) modification of the platform to accommodate the new hoists; (3) excavation, grading, and pouring of concrete pads for a backup generator and power distribution center; and (4) installation of a new five-foot overtopping protection wall along the intake deck on the left downstream side of the dam.

To complete the work described above, the licensee also requests a temporary variance from reservoir level requirements of conditions 1.1 and 1.2 of the project's water quality certification (WQC) and Article 402 of the license. WQC condition 1.1 requires the licensee to maintain the reservoir level at  $1,092.5 \pm 0.5$  feet mean sea level (msl) from April 1 through June 20. WQC condition 1.2 requires the licensee to maintain the reservoir level, from June 21 through March 31, in such a manner as to protect statewide water uses in the reservoir. In part, Article 402 requires the licensee to maintain the reservoir level no lower than 1,090 feet msl from June 21 through October 31. Under the proposal, the licensee would maintain the reservoir level between 1,086.5 ft and 1,088.0 ft msl from November 1, 2022, through December 31, 2022, and from April 10, 2023, through December 31, 2023.

l. Locations of the Application: This filing may be viewed on the Commission's website at <http://www.ferc.gov> using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at <http://www.ferc.gov/docs-filing/esubscription.asp> to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 1-866-208-3676 or e-mail [FEROnlineSupport@ferc.gov](mailto:FEROnlineSupport@ferc.gov), for TTY, call (202) 502-8659. Agencies may obtain copies of the application directly from the applicant.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. Comments, Protests, or Motions to Intervene: Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214, respectively. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules

may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. Filing and Service of Documents: Any filing must (1) bear in all capital letters the title “COMMENTS”, “PROTEST”, or “MOTION TO INTERVENE” as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person commenting, protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis. Any filing made by an intervenor must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 385.2010.

Dated: August 2, 2022.

**Kimberly D. Bose,**  
*Secretary.*

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